

MONROE COUNTY CLERK'S OFFICE

THIS IS NOT A BILL. THIS IS YOUR RECEIPT.

Receipt # 2236273

Book Page CIVIL

No. Pages: 15

Instrument: EFILING INDEX NUMBER

Control #: 201910100524

Index #: E2019009583

Date: 10/10/2019

Time: 11:50:11 AM

Return To:
MICHAEL G. DOWD

SHIELDS, BARBARA

TOWN OF BRIGHTON
BRIGHTON CENTRAL SCHOOL
BRIGHTON BOARD OF EDUCATION
JOHN AND JANE DOE 1-30
teachers, supervisors, employees,

State Fee Index Number	\$165.00	
County Fee Index Number	\$26.00	
State Fee Cultural Education	\$14.25	
State Fee Records Management	\$4.75	Employee: RR
Total Fees Paid:	\$210.00	

State of New York

MONROE COUNTY CLERK'S OFFICE
WARNING – THIS SHEET CONSTITUTES THE CLERKS
ENDORSEMENT, REQUIRED BY SECTION 317-a(5) &
SECTION 319 OF THE REAL PROPERTY LAW OF THE
STATE OF NEW YORK. DO NOT DETACH OR REMOVE.

ADAM J BELLO

MONROE COUNTY CLERK



SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF MONROE

-----X
BARBARA SHIELDS,

Plaintiff,

-against-

TOWN OF BRIGHTON, BRIGHTON CENTRAL
SCHOOL DISTRICT, BRIGHTON BOARD OF
EDUCATION, JOHN AND JANE DOE 1-30,
teachers, supervisors, employees, in their official and
individual capacities, whose identities are presently
unknown to Plaintiff,

Defendants.
-----X

Index No.

Date Purchased:

Plaintiff designates
MONROE

County as the place of trial.


The basis of the venue
is Defendants' place of
business.

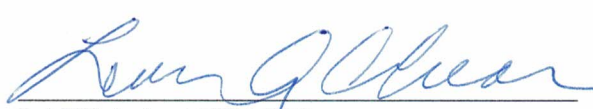
SUMMONS

To the above-named Defendant(s)

YOU ARE HEREBY SUMMONED to answer the complaint in this action and to serve a
copy of your answer, or, if the complaint is not served with this summons, to serve a notice of
appearance, on the Plaintiff's Attorney within 20 days after the service of this summons,
exclusive of the day of service (or within 30 days after the service is complete if this summons is
not personally delivered to you within the State of New York); and in case of your failure to
appear or answer, judgment will be taken against you by default for the relief demanded in this
complaint.

Dated: New York, New York
October 10, 2019


MICHAEL G. DOWD
Attorney for Plaintiff
600 Third Avenue, 15th Floor
New York, NY 10016
(212) 751-1640


LAURA A. AHEARN
Attorney for Plaintiff
3075 Veterans Memorial Highway Suite 200
Ronkonkoma, NY 11779
(631) 942-1078

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF MONROE

-----X
BARBARA SHIELDS,

Plaintiff,

Index No.
Date Filed:

-against-

VERIFIED COMPLAINT

TOWN OF BRIGHTON, BRIGHTON CENTRAL
SCHOOL DISTRICT, BRIGHTON BOARD OF
EDUCATION, JOHN AND JANE DOE 1-30,
teachers, supervisors, employees, in their official and
individual capacities, whose identities are presently
unknown to Plaintiff,

Defendants.
-----X

Plaintiff, Barbara Shields, by her attorneys, Michael G. Dowd and Laura A. Ahearn,
complaining of Defendants, hereby alleges the following:

JURISDICTION AND VENUE

1. This action is timely commenced pursuant to the New York State Child Victims Act, dated February 14, 2019, and CPLR § 214-g.
2. This Court has jurisdiction pursuant to CPLR § 301 as Defendants' principal place of business is in New York and because much of the unlawful conduct complained of herein occurred in New York.
3. Venue is proper pursuant to CPLR § 503 because Monroe County is the principal place of business of Defendants. In addition, many of the events giving rise to this action occurred in Monroe County.

AS AND FOR A FIRST CAUSE OF ACTION:

NEGLIGENT SUPERVISION

4. The Plaintiff, Barbara Shields (hereinafter "Plaintiff") was born on May 3, 1958. She is a resident of Rochester, New York.
5. Plaintiff participated in the TOWN OF BRIGHTON gymnastics program from in or around 1971 through her graduation from high school in 1976.
6. Defendant TOWN OF BRIGHTON (hereinafter "BRIGHTON") is at all material times a town located in Monroe County existing under the laws of the State of New York.
7. Defendant BRIGHTON BOARD OF EDUCATION (hereinafter "BBOE") is at all material times located in Monroe County existing under the laws of the State of New York.
8. Defendant BRIGHTON CENTRAL SCHOOL DISTRICT (hereinafter "BCSD") is at all material times a public school district existing under the laws of the State of New York.
9. Council Rock Primary School (hereinafter "Council Rock") is at all material times a public school existing in Monroe County, New York. Council Rock is a primary school located at 600 Grosvenor Road, Rochester, New York 14610 and a part of BCSD.
10. JOHN AND JANE DOE 1-30, whose names are presently unknown, are the persons and/or entities who run, manage, operate, supervise, oversee, fund, are joint venturers, parent organizations, are the subsidiaries, are contractually related and/or are principals and/or agents of the business, entities, and/or principals, who

owed a duty of care to Plaintiff and breached that duty of care.

11. Upon information and belief, Duncan Ververs (hereinafter "Ververs") was hired by BCSD and BBOE as a teacher at Council Rock.
12. Upon information and belief BRIGHTON hired Ververs or permitted and otherwise designated him to volunteer as the Gymnastics Program Director/Coach for BRIGHTON. Upon information and belief, Ververs remained an employee of Defendants BCSD, BBOE and BRIGHTON through 2000.
13. Upon information and belief, when Ververs met Plaintiff in or around 1971, he was an employee and agent of Defendants BCSD, BBOE, and BRIGHTON acting within the course and scope of his authority as a Council Rock teacher and BRIGHTON coach. Ververs continued acting as an employee and agent of all Defendants through the entire period he sexually abused Plaintiff.
14. Commencing in around 1971, Ververs began a process of grooming Plaintiff with the goal of sexually abusing her.
15. The grooming included but was not limited to: Ververs giving Plaintiff special attention, mentorship, and having her assist him stocking the school vending machines and in his teaching students at Council Rock.
16. This grooming behavior occurred on BCSD and BBOE property and was done in the presence of or within the observation of BCSD and BBOE hired teachers and administrators and BRIGHTON employees.
17. At all material times, Plaintiff was aware of no BBOE, BCSD or BRIGHTON rules or regulations or policies concerning or addressing sexual abuse and sexual misconduct of minors, such as Plaintiff by employees such as Ververs.

18. During all material times, Plaintiff received no training or information in any form, including but not limited to, oral presentation or written document on how to deal with sexual misconduct, sexual abuse, or sexual boundary violations by employees on minors like herself.
19. Ververs' sexual abuse of Plaintiff began in or around 1971 and continued through 1976. The sexual abuse included but was not limited to: Ververs fondling Plaintiff's genitals, touching her about her naked body, oral copulation, sexual intercourse, and Ververs photographing Plaintiff's naked body. The abuse occurred on Council Rock's campus in its gym office, locker room, gymnasium, gymnasium equipment room, teacher's lounge, multiple classrooms, and the principal's office; on the Brighton High School campus in the gymnasium; on Defendant BBOE and BCSD's school buses; at Ververs' home; in Ververs' vehicles; in a movie theatre; at the Half-Dollar Strip Club, at Ververs' friend's cottage at Canandaigua Lake, and in hotel rooms during out of town trips for BRIGHTON sanctioned gymnastics competitions. Plaintiff estimates the abuse occurred on hundreds of separate occasions.
20. Upon information and belief, during all material times herein, when Plaintiff was a minor participating in all Defendants' programs on BBOE and BCSD's property and communicating and otherwise interacting with Ververs, she was entrusted by her parents to the care of Defendants and during such periods, the Defendants were acting in the capacity of *in loco parentis* because Defendants assumed custody and control over her as a minor child and a participant in their programs.

21. Upon information and belief, Ververs used his position of trust and authority vested in him by the all Defendants for the purpose of sexually abusing Plaintiff.
22. Upon information and belief, the sexual abuse of Plaintiff by Ververs was foreseeable.
23. Upon information and belief, at all material times, Defendants had the duty to exercise the same degree of care and supervision over the minors under their control, including Plaintiff, as a reasonably prudent parent would have exercised under the same circumstances. This means that Defendants assumed a duty of care to protect the safety and welfare of Plaintiff as a minor participating in Defendants' programs and on Defendants' property. At all material times, Defendants owed a duty to Plaintiff to provide a safe and nurturing environment, where she would be protected from employees like Ververs who were under the employment and control of Defendants.
24. Upon information and belief, during Ververs' employment by Defendants and while Plaintiff was a minor in Defendants' care, Defendants failed to exercise the degree of care that a reasonably prudent parent would have exercised under similar circumstances.
25. During all material times, Defendants owed a special duty to Plaintiff that required Defendants to take reasonable steps to anticipate such behavior from its employees like Ververs, which threatened the safety of minors, including Plaintiff.
26. At all material times, Defendants had a duty to properly supervise Ververs as their employee and because of their duty of care to Plaintiff.

27. At all material times, Plaintiff reposed her trust and confidence as a minor child in Defendants, who occupied a superior position of influence and authority over Plaintiff to provide Plaintiff with a safe and secure environment.
28. Upon information and belief, at all material times, Defendants knew or should have known of Ververs' propensity to sexually abuse minors.
29. Upon information and belief, the Defendants negligently failed to adequately implement a reasonable or effective supervisory system, plan, protocol or procedure for supervising personnel so as to prevent inappropriate, offensive, sexual, and/or abusive contact of minors by Defendants' employees.
30. Upon information and belief, the failure to supervise, includes but is not limited to failure to supervise Ververs during instructional time and during non-instructional time when he associated with minors on Defendants BBOE and BCSD's campuses and in Defendant BRIGHTON'S programs.
31. Upon information and belief, the injury to Plaintiff resulted from Defendants' failure to provide Plaintiff the supervision of a parent of ordinary prudence under the same circumstances.
32. Upon information and belief, the injuries to Plaintiff were a foreseeable consequence of Defendants' negligent failure to supervise Ververs and Plaintiff. Said injuries were caused by or contributed to by the carelessness, recklessness and the grossly negligent conduct of Defendants, their agents, servants and/or employees, in failing to properly and adequately supervise the conduct of Ververs as it related to Plaintiff.

33. Defendants were wanton, reckless, officially tolerant and deliberately indifferent to abuse of Plaintiff by Ververs.
34. By reason of the foregoing, Plaintiff sustained physical and psychological injuries, including but not limited to, severe emotional distress, depression, humiliation, embarrassment, fright, anger, anxiety, and loss of educational and employment opportunity and has been caused to suffer pain and mental anguish, emotional and psychological damage as a result thereof, and, upon information and belief, some or all of these injuries are of a permanent and lasting nature, and Plaintiff has become and will continue to be obligated to expend sums of money for medical expenses.
35. That by reason of the foregoing, Defendants are liable to Plaintiff for punitive and exemplary damages.
36. It is hereby alleged pursuant to CPLR 1603 that the foregoing cause of action is exempt from the operation of CPLR 1601 by reason of one or more of the exemptions provided in CPLR 1602, including but not limited to, CPLR 1602(7).
37. That the amount of damages sought exceeds the jurisdictional limits of all lower courts which would otherwise have jurisdiction.

AS AND FOR A SECOND CAUSE OF ACTION:

NEGLIGENT RETENTION

38. Plaintiff repeats and realleges the above paragraphs of this Complaint as if fully set forth herein.
39. Upon information and belief, as more fully alleged above, Defendants' duty of care to the Plaintiff included a duty not to retain an employee and/or volunteer

like Ververs who would use his position of authority and influence to harm minors such as Plaintiff.

40. Upon information and belief, Defendants knew or should have known that Ververs was grooming Plaintiff for the purpose of sexually abusing her and failed to take any steps to stop the abuse or prevent harm to Plaintiff.
41. Upon information and belief, Defendants knew or should have known that Ververs was sexually abusing Plaintiff and/or knew or should have known of his propensity to sexually abuse minors with whom he came in contact.
42. When Plaintiff was in their care, said Defendants failed to exercise the degree of care that a reasonably prudent parent would have exercised under similar circumstances.
43. Defendants were wanton, reckless, officially tolerant and deliberately indifferent to abuse of Plaintiff by Ververs.
44. Defendants are liable to Plaintiff as a result of their recklessness, official tolerance and deliberate indifference to the harm caused to Plaintiff by Ververs.
45. By reason of the foregoing, Plaintiff sustained physical and psychological injuries, including but not limited to, severe emotional distress, depression, humiliation, embarrassment, fright, anger, anxiety, and loss of educational and employment opportunity and has been caused to suffer pain and mental anguish, emotional and psychological damage as a result thereof, and, upon information and belief, some or all of these injuries are of a permanent and lasting nature, and Plaintiff has become and will continue to be obligated to expend sums of money for medical expenses.

46. That by reason of the foregoing, Defendants are liable to Plaintiff for punitive and exemplary damages.
47. It is hereby alleged pursuant to CPLR 1603 that the foregoing cause of action is exempt from the operation of CPLR 1601 by reason of one or more of the exemptions provided in CPLR 1602, including but not limited to, CPLR 1602(7).
48. That the amount of damages sought exceeds the jurisdictional limits of all lower courts which would otherwise have jurisdiction.

AS AND FOR A THIRD CAUSE OF ACTION:

NEGLIGENT FAILURE TO PROVIDE A SAFE AND SECURE ENVIRONMENT

49. Plaintiff repeats and realleges the above paragraphs of this Complaint as if fully set forth herein.
50. At all material times, as more fully set forth above, Defendants had the duty to exercise the same degree of care and supervision over the minors under their control as a reasonably prudent parent would have exercised under similar circumstances.
51. During all material times, Defendants owed a special duty to Plaintiff as a minor in their care. This special duty required Defendants to take reasonable steps to anticipate such threats from its employees like Ververs which threatened the safety of Plaintiff.
52. Upon information and belief, by virtue of both their duty of care to Plaintiff and the positions of authority and influence they exercised over her, Defendants had a duty to Plaintiff to provide her a reasonably safe and secure environment while she participated in Defendants' programs.

53. Upon information and belief, Defendants failed to provide a reasonably safe environment to Plaintiff by failing to exercise the degree of care that a reasonably prudent parent would have exercised under similar circumstances.
54. As a result, Defendants are liable to Plaintiff for their negligent failure to provide a reasonably safe and secure environment.
55. Defendants were wanton, reckless, officially tolerant and deliberately indifferent by their failure to provide Plaintiff a reasonably safe and secure environment.
56. By reason of the foregoing, Plaintiff sustained physical and psychological injuries, including but not limited to, severe emotional distress, depression, humiliation, embarrassment, fright, anger, anxiety, and loss of educational and employment opportunity and has been caused to suffer pain and mental anguish, emotional and psychological damage as a result thereof, and, upon information and belief, some or all of these injuries are of a permanent and lasting nature, and Plaintiff has become and will continue to be obligated to expend sums of money for medical expenses.
57. That by reason of the foregoing, Defendants are liable to Plaintiff for punitive and exemplary damages.
58. It is hereby alleged pursuant to CPLR 1603 that the foregoing cause of action is exempt from the operation of CPLR 1601 by reason of one or more of the exemptions provided in CPLR 1602, including but not limited to, CPLR 1602(7) and 1602(11).
59. That the amount of damages sought exceeds the jurisdictional limits of all lower courts which would otherwise have jurisdiction.

AS AND FOR A FOURTH CAUSE OF ACTION:

FAILURE TO REPORT CHILD SEXUAL ABUSE

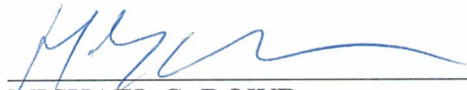
60. Plaintiff repeats and realleges the above paragraphs of this Complaint as if fully set forth herein.
61. Upon information and belief, Defendants had actual and/or implied knowledge of Ververs' sexually abusive actions and knowingly and willfully failed to report and to prevent further abuse of Plaintiff pursuant to Section 413 of the Social Services Law.
62. Upon information and belief, in not reporting suspicions of Ververs' sexually abusive behavior towards Plaintiff and other minors, Defendants failed to exercise the degree of care that a reasonably prudent person would have exercised under similar circumstances.
63. Defendants are jointly and severally liable to Plaintiff for damages as a result of this failure pursuant to Section 420 of the Social Services Law.
64. Defendants their agents, servants and employees were careless, reckless and grossly negligent in failing to report suspected child abuse by Ververs.
65. Defendants were wanton, reckless, officially tolerant and deliberately indifferent by their failure to report Ververs' sexual abuse of Plaintiff to lawful civil authorities as was their legally mandated obligation under New York state law.
66. By reason of the foregoing, Plaintiff sustained physical and psychological injuries, including but not limited to, severe emotional distress, depression, humiliation, embarrassment, fright, anger, anxiety, and loss of educational and employment opportunity and has been caused to suffer pain and mental anguish,

emotional and psychological damage as a result thereof, and, upon information and belief, some or all of these injuries are of a permanent and lasting nature, and Plaintiff has become and will continue to be obligated to expend sums of money for medical expenses.

67. That by reason of the foregoing, Defendants are liable to Plaintiff for punitive and exemplary damages.
68. It is hereby alleged pursuant to CPLR 1603 that the foregoing cause of action is exempt from the operation of CPLR 1601 by reason of one or more of the exemptions provided in CPLR 1602, including but not limited to, CPLR 1602(7) and 1602(11).
69. That the amount of damages sought exceeds the jurisdictional limits of all lower courts which would otherwise have jurisdiction.

WHEREFORE, the Plaintiff demands judgment against the Defendants, together with compensatory and punitive damages, and the interest, costs and disbursements pursuant to the causes of action herein.

Dated: New York, New York
October 10, 2019



MICHAEL G. DOWD
Attorney for Plaintiff
600 Third Avenue, 15th Floor
New York, NY 10016
(212) 751-1640



LAURA A. AHEARN
Attorney for Plaintiff
3075 Veterans Memorial Highway Suite 200
Ronkonkoma, NY 11779
(631) 942-1078

VERIFICATION BY ATTORNEY

MICHAEL G. DOWD, an attorney being duly admitted before the courts of the State of New York, hereby affirms the following under penalties of perjury:

That he is an attorney for the Plaintiff in the above-entitled action with offices located at 600 Third Ave, New York, New York; that he has read the foregoing VERIFIED COMPLAINT and knows the contents thereof; that the same is true to his knowledge, except as to the matters stated to be alleged upon information and belief, and that as to those matters he believes them to be true.

That the reason why this verification is made by deponent instead of Plaintiff is because Plaintiff is not within the County of New York where deponent has his office. Deponent further says that the grounds of his belief as to all matters in the VERIFIED COMPLAINT not stated to be upon his knowledge are based upon conversations with the Plaintiff and other writings relevant to this action.

Dated: New York, New York
October 10, 2019



MICHAEL G. DOWD
Attorney for Plaintiff
600 Third Avenue, 15th Floor
New York, NY 10016
(212) 751-1640